Government Gazette

FOR THE COLONIES OF

VANCOUVER ISLAND AND BRITISH COLUMBIA.

PUBLISHED BY AUTHORITY.

No. 18.] VICTORIA, VANCOUVER ISLAND, TUESDAY, JANUARY 10, 1860. [PRICE 6D.

COLONIAL SECRETARY'S OFFICE,
Victoria, January 9th, 1860.

HIS EXCELLENCY, the Governor, has been pleased to appoint JAMES DICKSON, ESQUIRE, M. D., to be Coroner for Victoria and Esquimalt Districts, and for the neighboring Districts.

BRITISH COLUMBIA.

PROCLAMATION.

By His Excellency James Douglas, Companion of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia and its dependencies, Vice-Admiral of the same, &c., &c.

WHEREAS, by virtue of an Act of Parliament made and passed in the 21st and 22nd years of the Reign of Her Most Gracious Majesty the Queen, and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, in conformity therewith I, JAMES DOUGLAS, Governor of the Colony of British Columbia, have been authorised by Proclamation issued under the Public Seal of the said Colony, to make laws, institutions, and ordinances, for the peace, order, and good government of the same, and

Whereas, it is expedient, pending the operation of the survey of agricultural lands in British Columbia, to provide means whereby unsurveyed agricultural lands may be lawfully acquired by pre-emption in British Columbia by British subjects, and in certain cases to provide for the sale of unsurveyed agricultural land in British Columbia by private contract.

Now therefore, I James Douglas, Governor of British Columbia, by virtue of the authority aforesaid, do proclaim, order, and enact.

1. That from and after the date hereof, British subjects and aliens who shall take the oath of allegiance to Her Majesty and Her successors, may acquire unoccupied and unreserved, and unsurveyed Crown land in British Columbia (not being the site of an existent or proposed town, or auriferous land available for mining purposes, or an Indian Reserve or settlement,) in fee simple, under the following conditions.

2. The person desiring to acquire any particular plot of land of the character aforesaid, shall enter into possession thereof and record his claim to any quantity not exceeding 160 acres thereof, with the magistrate residing nearest thereto, paying to the said magistrate the sum of eight shillings for recording such claim. Such piece of land shall be of a rectangular form, and the shortest side of the rectangle shall be at least two thirds of the longest side. The claimant shall give the best possible description thereof to the magistrate with whom his claim is recorded, together with a rough plan thereof, and identify the plot in question by placing at the corners of the land four posts, and by stating in his description any other land marks on the said 160 acres, which he may consider of a noticeable character.

3. Whenever the Government survey shall extend to the land claimed, the claimant who has recorded his claim as aforesaid, or his heirs, or in case of the grant of certificate of improvement hereinafter mentioned, the assigns of such claimant shall, if he or they shall have been in continuous occupation of the same land from the date of the record aforesaid, be entitled to purchase the land so pre-empted at such rate as may for the time being be fixedby the Government of British Columbia, not exceeding the sum of 10s. per acre.

4. No interest in any plot of land acquired as aforesaid, shall before payment of the purchase money, be capable of passing to a purchaser unless the vendor shall have obtained a certificate from the nearest magistrate that he has made permament improvements on the said plot to the value of 10s. per acre.

5. Upon payment of the purchase money, a conveyance of the land purchased shall be executed in favor of the purchaser, reserving the precious minerals, with a right to enter and work the same in favor of the Crown, its assigns and licencees.

6. Priority of title shall be obtained by the person first in occupation, who shall first record his claim in manner aforesaid.

7. Any person authorized to acquire land under the provisions of this Proclamation, may purchase in addition to the land pre-empted, in manner aforesaid, any number of acres not otherwise appropriated, at such rate as may be fixed by the Government, at the time when such land shall come to be surveyed, not to exceed ten shillings per acre; five shillings to be paid down, and the residue at the time of survey.

8. In the event of the Crown, its assigns or licencees, availing itself, or themselves, of the reservation mentioned in clause 5., a reasonable compensation for the waste and damage done, shall be paid by the person entering and working, to the person whose land shall be wasted or damaged as aforesaid, and in case of dispute, the same shall be settled by a jury of six men to be summoned by the nearest Magistrate.

9. Whenever any person shall permanently cease to occupy land pre-empted as aforesaid, the Magistrate resident nearest to the land in question, may in a summary way on being satisfied of such permanent cessation, cancel the claim of the person so permanently ceasing to occupy the same, and record the claim thereto of any other person satisfying the requisitions aforesaid.

10. The decision of the Magistrate may be appealed by either party to the decision of the Judge of the Supreme Court of Civil Justice of British Columbia.

11. Any person desirous of appealing in manner aforesaid, may be required before such appeal be heard, to find such security as may be hereafter pointed out by the rules or orders hereinafter directed to be published.

12. The procedure before the Magistrate and Judge respectively, shall be according to such rules and orders as shall be published by such Judge with the approbation of the Governor for the time of British Columbia.

13. Whenever a person in occupation at the time of record aforesaid, shall have recorded as aforesaid, and he, his heirs, or assigns, shall have continued in permanent occupation of land pre-empted, or of land purchased as aforesaid, he or they may, save as hereinafter mentioned, bring ejectment or trespass against any intruder upon the land so pre-empted or purchased, to the same extent as if he or they were seized of the legal estate in possession in the land so pre-empted or purchased.

14. Nothing herein contained shall be construed as giving a right to any claimant to exclude free miners from searching for any of the precious minerals or working the same upon the conditions aforesaid.

15. The Government shall, notwithstanding any claim, record, or conveyance aforesaid, be entitled to enter and take such portion of the land pre-empted or purchased as may be required for roads or other public purposes.

16. Water privileges and the right of carrying water for mining purposes, may, notwithstanding any claim recorded, purchase or conveyance aforesaid, be claimed and taken upon, under or over the said land so pre-empted or purchased as aforesaid by free miners requiring the same, and obtaining a grant or license from the Gold Commissioner, and paying a compensation for waste or damage to the person whose land may be wasted or damaged by such water privilege or carriage of water, to be ascertained in case of dispute in manner aforesaid.

17. In case any dispute shall arise between persons with regard to any land so acquired as aforesaid, any one of the parties in difference may, (before ejectment or action of trespass brought,) refer the question in difference to the nearest Magistrate, who is hereby authorized to proceed in a summary way to restore the possession of any land in dispute to the person whom he may deem entitled to the same, and to abate all intrusions, and award and levy such costs and damages as he may think fit.

L. S. Issued under the Public Seal of the said Colony, at Victoria, Vancouver Island, this fourth day of January, A. D. one thousand eight hundred and sixty, and in the twenty third year of Her Majesty's Reign, by me

JAMES DOUGLAS.

By Command of His Excellency,
WILLIAM A. G. YOUNG,
Acting Colonial Secretary.

GOD SAVE THE QUEEN.

Printed every TUESDAY, by LEONARD MCCLURE, at the Office, Langley-street, off Yates-street, Victoria, in the Colony of Vancouver Island.

Government Gazette

FOR THE COLONY OF

VANCOUVER ISLAND AND DEPENDENCIES.

PUBLISHED BY AUTHORITY.